

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 18 and 35-44 are pending in this application. Claims 1 and 18 are amended; Claims 7 and 24 are canceled; and Claims 35-44 are newly added by the present amendment. Support for the new and amended claims can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the Office Action, Claims 1 and 7 are rejected under 35 U.S.C. § 102(b) as anticipated by Nishikawa et al. (U.S. Pat. 6,246,438, herein Nishikawa); and Claims 18 and 24 are rejected under 35 U.S.C. §103(a) as unpatentable over Nishikawa.

In response to the above-noted rejections, Applicants respectfully submit that amended independent Claims 1 and 18, and new Claim 35, recite novel features clearly not taught or rendered obvious by Nishikawa.

Independent Claim 1, for example, recites, in part, an apparatus for coding and decoding, comprising:

a decoding unit configured to decode compressed and coded data to restore original image data;

an additional information extracting unit configured to extract additional information from the compressed and coded data when the compressed and coded data is decoded by the decoding unit;

a display unit configured to display the image data restored by the decoding unit on a screen ...

a coding unit configured to encode the image data and at least a portion of the additional information stored in said memory as information additional to the image data when performing second-time encoding of the image data decoded by said decoding unit to generate second-time-encoded data inclusive of the image data as decoded and then encoded and the portion of the additional information as extracted and then encoded; and

a selection unit configured to select whether to encode the additional information when said coding unit performs the second-time encoding.

¹ e.g., specification at Figs. 8-9 and p. 32, l. 23 – p. 36, l. 2.

Independent Claims 18 and 35, while directed to alternative embodiments, recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 1 and 18.

Turning to the applied reference, Nishikawa describes an image coded data re-encoding apparatus 30 which generates, in an image coded data analyzer 310, coded data after signal processing by performing a first digital signal processing on first image coded data 220. The coded data is then supplied to a data synthesizer 320, which generates second image coded data 240.²

Nishikawa, however, fails to teach or suggest that his apparatus includes “a coding unit configured to encode the image data and at least a portion of the additional information stored in said memory as information additional to the image data when performing second-time encoding of the image data decoded by said decoding unit to generate second-time-encoded data inclusive of the image data as decoded and then encoded and the portion of the additional information as extracted and then encoded” as recited in amended independent Claim 1.

In rejecting the claimed features directed to the coding unit, the Office Action asserts that the image coded data synthesizer 320 depicted in Figs. 1 and 5-6 of Nishikawa “functions as the second time encoding”, which generates coded data 240. As described at col. 15, ll. 50-53 of Nishikawa, “[t]he image coded data synthesizer 320 applies the second digital signal processing to the coded data after signal processing 221 to generate the second image coded data 240.” At col. 15, ll. 53-59 Nishikawa further describes that “[i]n this case, the multiple signals 225 associated with the first image coded data which are extracted or estimated from the coded data after signal processing 221 by the information extractor/estimator 350 are not only used for decoding the first image coded data 220 into an

² Nishikawa, Abstract.

image, but also are used for generating the second image coded data 240.” Therefore, Nishikawa merely describes applying second digital signal processing to the coded data by using the multiple signals. Thus, only the coded data is subjected to the second digital signal processing, and the multiple data (e.g. extracted additional information) is only used for the purpose of generating second image coded data from the coded data. The multiple data is not encoded and included in the second image coded data, as recited in Claim 1.

Nishikawa, therefore, fails to teach or suggest that his device includes “a coding unit configured to encode the image data *and at least a portion of the additional information stored in said memory as information additional to the image data* when performing second-time encoding of the image data decoded by said decoding unit to generate second-time-encoded data inclusive of the image data as decoded and then encoded *and the portion of the additional information as extracted and then encoded*”, as recited in amended independent Claim 1.

Independent Claim 1 is further amended to recite that the apparatus includes “a display unit configured to display the image data restored by the decoding unit on a screen”. A conventional viewer discards additional information not needed for the purpose of displaying an image, so that such additional information cannot be included at the time of second-time encoding. The configuration recited in Claim 1 addresses this problem. Nishikawa fails to teach or suggest that his device displays data restored by a decoding unit, whatsoever.

Independent Claim 1 is further amended to incorporate the features of Claim 7 and recite that the apparatus further includes “a selection unit configured to select whether to encode the additional information when said coding unit performs the second-time encoding”. With provision of the selection unit, it is possible to choose whether to include the additional information in the second-time encoded data. When the image is significantly

modified through editing, for example, the additional information may not be included (i.e., discarded) upon the second-time encoding. Nishikawa does not disclose such a claimed feature, since this reference fails to teach or suggest encoding additional information during second-time encoding, as discussed above.

In rejecting the features previously recited in Claim 7, however, the Office Action relies on the searcher 329 and subtractor 330 depicted in Fig. 13 of Nishikawa. As described at col. 27, ll. 8-30 of Nishikawa, the motion searcher 329 defines a sequence and information of images to be transformed, estimates a dimension of the motion vectors extracted in response to the sequence information of the images to be transformed, and carries out the motion search on the basis of the estimation result. The subtractor 330 calculates the difference between the decoded image 234 which is supplied from the image coded data analyzer 310 as the coded data after signal processing 221 and the image data 235 output from the motion searcher 329.

Therefore, the searcher 329 and subtractor 330 are used in a process to control the transformation of data, and are in no way related to “select[ing] whether to encode the additional information when said coding unit performs the second-time encoding”, as claimed. More particularly neither the searcher 329, nor the subtractor 330, select whether additional data is to be encoded during second-time encoding of the image data, whatsoever.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. § 102 be withdrawn. For substantially similar reasons, it is also submitted that amended independent Claims 18 and new independent 35 patentably define over Nishikawa.

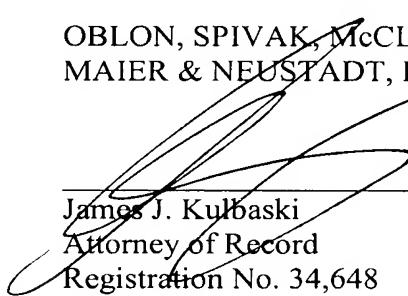
Further, new dependent Claims 36-44 are presented, which recite specific editing processes that may be applied to the images displayed at the apparatus, and recite specific parameters that may be included in the additional information. Applicants respectfully

submit that Nishikawa fails to teach or suggest the features recited in new dependent Claims 36-44.

Consequently, in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 18 and 35-44 patentably defines over the applied reference. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


James J. Kulbaski
Attorney of Record
Registration No. 34,648

Andrew T. Harry
Registration No. 56,959

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

I:\ATTY\ATH\PROSECUTION\24S\245673US\245673US - AM DUE 03-01-09.DOC